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Caleb Nichols
PO Box 1585
Erie PA 16507

Re: Conciliation of various discovery issues

Dear Mr. Nichols,

In accordance with the local rules of Civil Procedure kindly treat this letter as an attempt to conciliation relative to various discovery issues. Relative to the tax returns I understand that we have already discussed that and you have indicated that you would not be willing to present that information without my having to go through the court, file a motion and obtain a court order concerning same.

However, there are other issues that remain outstanding. As you will recall the continuation of Ms. DeLeon deposition and through out the discovery process you have continually referenced various arbitration decisions. Thus, I believe it is important that we file a motion with the judge if we cannot agree on how to proceed to clarify how Judge McLaughlin intends to utilize the information from the arbitration decisions in whether it would in fact be considered collateral estoppel on certain issues or not even be entertained as a matter of evidence. It is my position that it is improper for you to continually refer to the arbitration decisions as being determinative on the issues underlying the Federal Complaint. Kindly contact me at your earliest convenience to discuss same.

Very Truly Yours,


Roberta Binder Heath

RBH/nrs
cc Micheal Dileky
Lori Metka